

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

(Electronically Filed)

TINA WENKE, ET AL.,)	
	Plaintiffs)
)
vs.		Civil Action No.: 3:24-cv-00877
		JUDGE CAMPBELL
DOLLAR GENERAL CORPORATION, ET AL.,)	MAGISTRATE JUDGE FRENSEY
)
	Defendants)
)

**JOINT MOTION TO EXTEND DEADLINES
AND CONTINUE INITIAL CASE MANAGEMENT CONFERENCE**

Plaintiffs Tina Wenke and Wenke Design, L.L.C. (“Plaintiffs”), by counsel, and Defendants Dollar General Corporation, Dolgencorp, LLC, and Big Tree Sales, Inc. (“Defendants”), by counsel, jointly move this Court for an extension of impending deadlines and to continue the Court’s Initial Case Management Conference, currently scheduled for November 1, 2024. In support of this motion, the Parties state as follows:

1. No case management order has yet been entered in this case, and therefore, this Motion does not affect any trial dates or any pre-trial deadlines except as expressly provided herein.

2. Plaintiffs filed the Complaint in this action on July 19, 2024. [DN 1]. On July 22, 2024, the Court issued a Notice of telephonic Initial Case Management Conference [DN 7] (“CMC”) to be held on September 24, 2024. Defendants waived service on August 9, 2024 [DN 09–11], and on September 18, 2024, the parties jointly moved to continue the CMC until after Defendants filed responsive pleadings [DN 16]. The Court granted the motion and continued the CMC until November 1, 2024. [DN 20].

3. On October 7, 2024, Defendants filed a partial motion to dismiss Counts IX and X of Plaintiffs' Complaint ("MTD"). [DN 21]. The following deadlines are currently pending:

- Plaintiffs' response to Defendants' MTD is to be filed on or before **October 21, 2024**, pursuant to LR 7.01.
- Plaintiffs may amend the complaint as a matter of course on or before **October 28, 2024**, pursuant to Fed. R. Civ. P. 15(a)(1)(B).
- The CMC is currently scheduled on **November 1, 2024**, at which the parties are to discuss, among other things, "whether any early dispositive motions are anticipated and whether amendments may eliminate the need for such motions." Order [DN 8] (Jul. 7, 2024).

4. Plaintiffs intend to file an Amended Complaint that Plaintiffs believe will moot some or all of the grounds for dismissal raised in the MTD. To avoid duplicative motion practice and in the interest of judicial efficiency, the parties have agreed that an extension of the above deadlines and a continuance of the CMC is warranted.

Accordingly, the Parties propose the following schedule of deadlines and the CMC and respectfully move the Court to order that said schedule be adopted:

- Defendants hereby request that the Court STAY their Motion to Dismiss [DN 21], and that no response thereto shall be due from Plaintiffs at this time.
- On or before **November 4, 2024**, Plaintiffs are to file their Amended Complaint, and Defendants hereby consent to such filing without further formalities.
- On or before **November 18, 2024, but after November 4, 2024**, Defendants are to do any one of the following: (1) request that the Court lift the stay on Defendants' original MTD and proceed thereupon, with notice to Plaintiffs; (2) withdraw Defendants'

original MTD and file a new motion in response to Plaintiffs' Amended Complaint; or
(3) answer the Amended Complaint.

- On or before **December 2, 2024**, Plaintiffs are to file their response to Defendants' original MTD or new motion, if any.

The parties move the Court to CONTINUE the CMC until such date after December 2, 2024, that is convenient to the Court. The parties have filed a proposed Order herewith.

Dated: October 18, 2024

Respectfully submitted,

s/ Kimberly M. Ingram-Hogan

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Having seen and agreed:

s/ Stephan R. Wright (w/permission)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Motion to Extend Deadlines and Continue Initial Case Management Conference was filed on October 18, 2024, using the Court's ECF system and that a true copy of the foregoing was served on the following parties:

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